

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING

MAY 7, 2008

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL

PRAYER

**APPROVAL OF THE MINUTES OF THE
REGULAR MEETING OF APRIL 16, 2008
AND THE SPECIAL MEETING OF APRIL 28, 2008 _____**

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**

**PUBLIC COMMENT ON ANY
PUBLIC MATTER NOT ON THE AGENDA**

CHIEF EXECUTIVE'S REPORT

SECTION I PRESENTATION

Ed Randall, Community Enrichment Coordinator, requesting time on the 5/7/08 agenda to present a Community Enrichment Program presentation outlining work Completed in Butte-Silver Bow for years 2006-2008. (**Communication No. 08-262 being held in Committee of the Whole**)

SECTION II PUBLIC HEARING

FOR THE PURPOSE OF OBTAINING PUBLIC COMMENTS REGARDING TWO PROPOSED APPLICATIONS TO THE MONTANA DEPARTMENT OF COMMERCE'S COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT (CDBG-ED) PROGRAM. ONE APPLICATION IS FOR THE PROPOSED POLY SILICON RECYCLING PLANT (SiPro) AND THE OTHER IS FOR THE WIND TURBINE MANUFACTURING PLANT (CHAFIN-FUHLANDER). (**Communication No. 08-312**) Proof of publication.

SECTION III

PUBLIC HEARING

FOR THE PURPOSE OF OBTAINING PUBLIC COMMENTS REGARDING TWO PROPOSED APPLICATIONS TO THE MONTANA DEPARTMENT OF COMMERCE'S COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT (CDBG-ED) PROGRAM. ONE APPLICATION IS FOR THE PROPOSED POLY SILICON RECYCLING PLANT (SiPro) AND THE OTHER IS FOR THE WIND TURBINE MANUFACTURING PLANT (CHAFIN-FUHLANDER). (Communication No. 08-313) Proof of publication.

SECTION IV

INVITATION FOR BIDS

SEALED BIDS FOR THE DEMOLITION, REMOVAL AND DISPOSAL OF DETERIORATED SIDEWALKS AND FURNISHING, PLACING AND FINISHING OF NEW CONCRETE SIDEWALKS AND CURBS AT VARIOUS LOCATIONS WITHIN BUTTE-SILVER BOW. (Communication No. 08-314) Proof of publication

SECTION V

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B.

PETITIONS

- 1. 08-6 John Harrington, Building Official, on behalf of Triple "S" Building Center, Inc., requesting to close and vacate a portion Of Iowa Avenue between Blocks 32 and 34 of the Clarks Addition. **Recommendation: refer to Public Works Committee.**
- 2. 08-7 John Harrington, Building Official, on behalf of Galena Street LLC to close and vacate a portion of undeveloped E. Galena Street and alley within lots on Yellow Jack Lode, Block 3 and portion of Ohio Avenue in Kings Addition #2, Block 7. **Recommendation: Refer to Public Works Committee.**
- 3. 08-8 John Harrington, Building Official, on behalf of Jimmy Cecil, LLC to close and vacate a portion of Eagle Street and two alleys within Blocks 15 & 20 in the Northern Pacific Addition. **Recommendation: refer to Public Works Committee.**

C.

COMMUNICATIONS

1. 08-275 Ellen Crain, Archives Director, regarding 2007 Annual Report of the Archives Department and requesting it be placed on file. **Recommendation: note and place on file.**
2. 08-276 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
3. 08-277 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
4. 08-278 Paul Babb, Chief Executive, requesting authorization to sign request for military aerial support for a military flyover for Evel Knievel Days 2008. **Recommendation: concur and place on file.**
5. 08-279 Rick Larson, Health Department Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
6. 08-280 Ellen Crain, Archives Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
7. 08-281 Centerville Volunteer Trustees, requesting permission to apply FEMA grants. **Recommendation: concur and place on file.**
8. 08-282 Ellen Crain, Archives Director, requesting time on the 5/21/08 agenda to make a presentation regarding activities on the Archives Building Project. **Recommendation: schedule presentation for 5/21/08 and hold in Committee of the Whole.**
9. 08-283 John C. VanDaveer, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
10. 08-284 John C. VanDaveer, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
11. 08-285 Mary M. McMahon, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

12. 08-286 R. M. McCarthy, County Attorney, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
13. 08-287 Debra Williams, Judge, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
14. 08-288 Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
15. 08-289 Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
16. 08-290 Edward A. Heard, Superintendent of Schools, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
17. 08-291 Toby Day, Extension Agent, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
18. 08-292 Roger Ebner, DES, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
19. 08-293 Lee Phillips, Library Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
20. 08-294 John VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
21. 08-295 John VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
22. 08-296 Ellen Crain, Archives Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
23. 08-297 Gary Keeler, Transit Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and**

Budget Committee.

- 24. 08-298 Jeff Miller, Director of Fire Services, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 25. 08-299 Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 26. 08-300 Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 27. 08-301 Rob A. Macioroski, Land Records Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 28. 08-302 Todd Hoar, Developmentally Disabled, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 29. 08-303 John VanDaveer, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 30. 08-304 Gary Keeler, Transit Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 31. 08-305 Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 32. 08-306 Jon Sesso, Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 33. 08-307 Karen Byrnes, Director Community Development Department, requesting time on the 5/14/08 agenda to conduct a public hearing regarding Developer's Packet Proposals for the 400 block of E. Park. **Recommendation: schedule the public hearing for 5/14/08 and hold in Committee of the Whole.**
- 34. 08-308 Karen Byrnes, Director Community Development Department, requesting time on the 5/14/08 agenda to conduct a public

hearing regarding Developer's Packet proposals for 716 and 718 S. Wyoming. **Recommendation: schedule public hearing for 5/14/08 and hold in Committee of the Whole.**

- 35. 08-309 Karen Byrnes, Director Community Development Department, requesting a public hearing be scheduled for 5/14/08 to solicit public comment on proposals submitted for the redevelopment of 715 Utah Avenue (Bud's Bar). **Recommendation: schedule public hearing and hold in Committee of the Whole.**
- 36. 08-310 Karen Byrnes, Director Community Development Department, requesting time on the 5/14/08 agenda to conduct a public hearing to solicit comments on proposals submitted for 621 W. Quartz Street. **Recommendation: schedule public hearing for 5/14/08 and hold in Committee of the Whole.**
- 37. 08-311 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to sign contract amendment with the CDBG-ED program. **Recommendation: concur and place on file.**
- 38. 08-312 Karen Byrnes, Director Community Development Department, requesting time on the 5/7/08 agenda to conduct a public hearing to discuss the CDBG Grant Application for Economic Development and grant applications to CDBG for SiPro. **Recommendation: schedule public hearing for 5/7/08 and hold in Committee of the Whole.**
- 39. 08-313 Karen Byrnes, Director of Community Development Department, requesting time on the 5/7/08 agenda to conduct a public hearing to discuss the CDBG Grant Application for Economic Development and grant applications to CDBG for Chafin-Fuhrlander. **Recommendation: schedule public hearing for 5/7/08 and hold in Committee of the Whole.**
- 40. 08-314 Dan Dennehy, Assistant Public Works Director, requesting permission to conduct a bid opening 5/7/08 for the purpose of awarding the demolition, removal and disposal of sidewalks and furnishing new concrete sidewalks and curbs at various locations. **Recommendation: schedule bid opening for 5/7/08 and hold in Committee of the Whole.**
- 41. 08-315 Sally Perino, Parking Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

42. 08-316 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
43. 08-317 John C. VanDaveer, Public Works Director, requesting authorization for Chief Executive to execute the contract with the Department of Commerce Treasure State Endowment Fund. **Recommendation: concur and place on file.**
44. 08-318 John C. VanDaveer, Public Works Director, requesting authorization for Chief Executive to execute the contract with Hollow Contracting, Inc. for the water main replacement 2008 construction season. **Recommendation: concur and place on file.**
45. 08-319 Dan Dennehy, Asst. Public Works Director, requesting time on the 5/14/08 agenda to conduct a bid opening for materials/products for water distribution mains. **Recommendation: schedule bid opening for 5/14/08.**
46. 08-320 Rob Macioroski, Director Land Office, requesting Council direct the County Attorney to prepare the resolution and deed for transfer of co-owned property to the appropriate parties. **Recommendation: direct the County Attorney to prepare The resolution and deed and hold in Committee of the Whole**
47. 08-321 Karen Byrnes, Director Community Development Department. Requesting authorization for Chief Executive to sign maintenance Agreement with Empire Office Machines. **Recommendation: concur and place on file.**
48. 08-323 Karen Byrnes, Community Development Director, requesting authorization to issue Developer's Packet for the construction of a 24-door, cross-dock trucking facility to be located in TIFID #2. **Recommendation: concur and place on file.**
49. 08-324 Karen Byrnes, Community Development Director, requesting authorization to issue Developer's Packet for the development and use of the Bell Diamond Mine. **Recommendation: concur and place on file.**
50. 08-325 John Van Daveer, Public Works Director, requesting authorization for Chief Executive to execute Administrative Order on consent to move forward on waste water treatment plant upgrade.

Recommendation: concur and place on file.

51. 08-326 John VanDaveer, Public Works Director, requesting authorization for Chief Executive to execute notice of award and agreements for High Service Tank material with Northwest Pipe Fittings. **Recommendation: concur and place on file.**
52. 08-327 John Weitzel, Weitzel Signs, requesting on behalf of Marie Vainio approval to install a canopy at 27 W. Park St. **Recommendation: concur and place on file.**
53. 08-328 Chuck Carrig, Historic Preservation Officer, requesting authorization for Chief Executive to sign certified Local Government Grant Contract for 5008-2009 **Recommendation: concur and place on file.**
54. 08-329 Arlene Spear, City Court, approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
55. 08-330 Brendan R. McDonough, Festival Coordinator, requesting various street closures for the 70th Annual National Folk Festival 7/11-13/08. **Recommendation: hold in Committee of the Whole.**
56. 08-331 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into contract with Kiwi TB, Inc. for services related to preparation of a market feasibility study and strategic business plan. **Recommendation: concur and place on file.**
57. 08-332 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
58. 08-333 Robert M. McCarthy, County Attorney, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
59. 08-635 Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
60. 08-336 John VanDaveer, Public Works Director, requesting approval

of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

- 61. 08-337 John Harrington, Building Official, requesting to reopen street closure Petition No. 08-3, Jack and Helen McCloskey. **Recommendation: refer to Public Works Committee.**
- 62. 08-338 Gary Keeler, Transit Director, requesting extension of donated sick leave for additional 160 hours for Gary Swoboda, Butte-Silver Bow transit driver. **Recommendation: refer to Personnel Committee.**
- 63. 08-339 JohnVanDaveer, Public Works Director, requesting authorization for Chief Executive to execute service agreement with HKM for internal inspection of West side water storage tank. **Recommendation: concur and place on file.**
- 64. 08-340 Paul Babb, Chief Executive, regarding recommendation from Tax Abatement Review Committee for council to approve the tax Abatement request by UDAP Industries, Inc. **Recommendation: Concur and place on file.**
- 65. 08-341 Pat Callaghan, Treasurer, requesting council authority to waive itinerant license requirements for vendors in the 2008 National Folk Festival, Evel Knievel Days, and An Ri Ra Festival. **Recommendation: concur and place on file.**
- 66. 08-343 Michele Golden, Administrative Assistant, Department of Justice, requesting authorization for Chief Executive to sign contracts No. 600212 and 600215, UCFRB Restoration Fund Grant Agreement. **Recommendation: concur and place on file.**
- 67. 08-344 John P. Walsh, Sheriff, requesting waiver of sick leave grant requirement for Peggy Leary. **Recommendation: refer to Personnel Committee.**
- 68. 08-345 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 69. 08-346 Charles Carrig, Historic Preservation Officer, requesting authorization to obtain bids for re-roofing of Mine Yard Buildings. **Recommendation: concur and place on file.**
- 70. 08-347 Dan Powers, Assistant Health Director, regarding quotes for attic dust removal activities. **Recommendation: note and place on**

file.

71. 08-348 Stephen D. Hess, Assistant Planning Director, requesting conditional approval of final plat of Homestake Meadows – Phase II Major Subdivision. **Recommendation: concur and place on file.**
72. 08-349 Michele Miles, President World Museum of Mining, requesting consolidation of county wide mine yard assets. **Recommendation: schedule presentation for 5/14 and hold in Committee of the Whole**

SECTION VI COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-269 Tim Clark, Personnel Director, requesting Fox Lawson Classification and Compensation Study be placed on 5//7/08 Agenda to be read and acted upon.

AND

2. 08-273 Oversight Committee for Fox Lawson Classification study be placed on 5/7/08 agenda to be read and acted upon
Both of these communications are being held in COW.
3. 08-334 Michelene Boysza, Vice President Highland View Golf Club, requesting time on the agenda to discuss funding for a new or enlarged clubhouse for Highland View Golf Club.
4. 08-342 Bob LeCoure, Club Boxing, Inc., requesting permission to hold a free boxing event during Evel Knievel Days 2008 at Emma Park, 7/24/08 from 8 PM till 10PM.

SECTION VII ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 08-26

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS A PARCEL OF GROUND IN THE RAVIN ADDITION, BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 08-28

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE HOMESTAKE MEADOWS PHASE II MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANAN; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 08-31

A RESOLUTION RELATING TO \$7,500,000 GENERAL OBLIGATION BONDS, SERIES 2008; AUTHORIZING THE ISSUANCE AND CALLING FOR PUBLIC SALE THEREOF.

3. COUNCIL RESOLUTION NO. 08-32

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF INFRASTRUCTURE IMPROVEMENTS TO THE BUTTE EMERGENCY FOOD BANK BUILDING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VIII ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES FOR FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 08-27

A RESOLUTION RELATING TO U.S. FOREIGN-TRADE ZONE WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, AUTHORIZING THE FILING OF A FOREIGN-TRADE ZONE APPLICATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 08-33

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN

ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW ARCHIVES FUND FROM THE CASH RESERVES OF THE METRO REPLACEMENT AND DEPRECIATION FOR THE PURPOSE OF PAYING EXPENSES ASSOCIATED WITH THE BUTTE-SILVER BOW ARCHIVES RENOVATION AND CONSTRUCTION PROJECT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 08-34

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE OFFICE OF THE CLERK AND RECORDER, RECORDS PRESERVATION BUDGET, FROM THE CASH RESERVES OF THE GENERAL FUND FOR THE PURPOSE OF REPLACING FUNDS USED TO PAY SEVERANCE BENEFITS FOR A RETIRED EMPLOYEE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IX CALENDAR OF OTHER MEETINGS AND EVENTS

May 5	Airport Authority	Noon	Bert Mooney Airport
May 6	Historic Preservation Commission	Noon	Health Department
May 6	Weed Board	7PM	Weed Department
May 7	Butte Aids Support Services	Noon	Community Center
May 7	Health Department	7AM	Health Department
May 7	TIFID Board	11:30 AM	Business Development Center
May 12	Archives	Noon	Archives Center
May 14	Fair Board	5:30PM	Business Development Center
May 14	Fire Advisory Council	5PM	1st Floor Conference Room
May 14	Law Enforcement Commission	4PM	Chief Executive's Conference Room
May 14	Library	5PM	Library Building
May 15	Zoning Board of Adjustment	5:30PM	Council Chambers
May 19	Airport Authority	Noon	Bert Mooney Airport
May 20	Parks and Recreation	4:15 PM	Civic Center Conference Room
May 20	Housing Authority	5:30 PM	Silver Bow Homes Housing
May 21	Community Enrichment	3:30PM	1 st Floor Conference Room
May 21	Parking Commission	3:30 PM	Chief Executive's Conference Room
May 21	Technical Review Committee	1:30PM	Water Co. Building
May 22	Business Development Center	10AM	Business Development Center

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT

APRIL 30, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS ON PETITION 08-1 FILED BY PARK STREET PARTNERSHIP, LLC, INC. TO CLOSE AND VACATE A PORTION OF GALENA STREET BETWEEN ARIZONA (WEST) AND OHIO (EAST) AND THREE ALLEYS WITHIN THE YELLOW JACK LODGE, THE LIZZIE LODGE AND COLORADO LODGE. (Petition No. 08-1 being held in the Public Works Committee) **Proof of publication was noted and placed on file.**

John Harrington, Building Official, came to the microphone and told the Council they have two requests for easements, one from Quest and one from Northwestern Energy.

Chairman O'Leary then opened the public hearing at 7:34 p.m. and called for any proponents. The following came forth:

Michael O'Neill, representing AWARE, Inc.

There being no other proponents, Chairman O'Leary then called for any opponents. The following came forward:

Pat Mohan, 108. Arizona St. said the easement would be effective for him to get into his property. This is a historic property and there have been 3 years of tours taken through that property and that would hinder the people's access to the property

Richard Gibson, 301 N. Crystal, opposes this because it restricts access to important historical elements as well as Mr. Mohan's property that he needs to have access to.

Dennis Dutton, 1925 Lowell Avenue, opposes because the property where we access the tours to the Cabbage Patch would all be private and there would be no access if the Yellow Jacket Alley were to be closed.

There were no other opponents so Chairman O’Leary closed the public hearing at 7:38 p.m.

SECTION II

PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS ON PETITION NO. 08-5 FILED BY WALKER-SMITH LLC TO CLOSE AND VACATE WYOMING STREET IN ITS ENTIRETY FROM HARRISON TO THE WEST SIDE OF WASHINGTON – MCQUEENEY SUBDIVISION. (Petition No. 08-5 being held in Public Works Committee) **Proof of publication was noted and placed on file.**

John Harrington, Building Official, told the Council that the only report we received back was from MDT. If we were to close this street they would actually not sign off on it until the owner of the property dealt with them with any development. There are no easements in the area.

Chairman O’Leary opened the public hearing at 7:39 p.m. and called for any proponents. The following came forward.

Tom Walker, 1715 Fir Crest Court in Bozeman, said they were interested in developing this property we purchased about 10 years ago. We are requesting that the alley be closed because it is such a narrow property.

Michael Paris, 4 Redwood, Butte, MT., Owner of consulting business, Construction Management, Inc. He said through his discussions with Planning and Building Official and Public Works for BSB it is his understanding that Wyoming Street which was platted in 1906 -- the probability of this street ever being built by BSB is probably none.

There being no other proponents, Chairman O’Leary then called for opponents. The following came forth:

Kenny Martz, Manager of Holy Cross Cemetery, on behalf of the Resurrection Cemeteries from Helena. They don’t want it closed for future development of the cemetery. They need access off Harrison Avenue.

There being no other opponents, Chairman O’Leary called the public hearing closed at 7:44 p.m.

SECTION III

PUBLIC HEARING

FOR THE PURPOSE TO CONSIDER THE REQUEST OF CLERK AND RECORDER/ELECTION ADMINISTRATOR MARY M. MC MAHON TO AMEND THE BUDGET TO CREATE BUDGETARY AUTHORITY WITHIN THE OFFICE OF THE CLERK AND RECORDER (MORE SPECIFICALLY

THE RECORDS ADMINISTRATION BUDGET) (Communication No. 08-253 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Mary McMahon, Clerk and Recorder and Election Administration, said the purpose of this public hearing is to request the replacement of recent retirement of Dolores Weller. She received her final payout earlier this month and the only monies left in the budget of the current year are those previously budgeted for any raise that might be forthcoming and due her once the union's contract is settled for the current fiscal year. She is asking for monies from the General Fund Reserves to cover through June 30, 2008. She is requesting this position be bumped from a grade 2 to a 3 to insure that we find a deputy with a strong set of skills.

Chairman O'Leary opened the public hearing at 7:52 p.m. and called for any proponents. On the third and final call, there being none he then called for any opponents. Again, there was no response so he called the public meeting closed at 7:53 p.m.

SECTION IV

PUBLIC HEARING

TO SOLICIT COMMENTS REGARDING THE AMENDING OF THE FY 08-09 BUDGET AUTHORITY FOR UNANTICIPATED REVENUE TO BE EXPENDED IN THE ARCHIVES BUILDING CAPITAL PROJECT FUND. (Communication No. 08-271 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Amerman, Finance and Budget Director, came to the microphone and explained that this is the fund that will be created in order to build the new Archives that the voters approved at the last election. We haven't sold the bonds yet. They will be sold on July 8th. We will have some charges before that and we don't have cash available right now. This is going to set up a very short time loan from Metro Capital Projects and Replacement Fund and use this as a line of credit. We're probably looking at somewhere around \$200 to 250,000 that may be outstanding for about 45 days.

Chairman O'Leary opened the public hearing at 7:42 p.m. and called for any proponents. On the third and final call there being none, he then called for any opponents. Again, there was no response and he called the public hearing closed at 7:55 p.m.

SECTION V

COMMUNICATION NO. 07-669

Donald L. Kronenberger, Sr., requesting council grant annexation of the Fish Creek/Little Fish Creek drainage strip off Hwy. 41 into the Jefferson Valley Rural Fire District. ***Committee recommends that Communication No. 07-669 be held in abeyance.***

SECTION VI**COMMUNICATION NO. 07-259**

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. *Committee recommends that Communication No. 07-259 be held in abeyance.*

SECTION VII**COMMUNICATION NO. 08-75**

Robert A. Macioroski, Director, requesting council direct County Attorney to prepare resolution and deed for transfer of co-owned property. *Committee recommends that Communication No. 08-75 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. 08-173**

Jon C. Sesso, Planning Director, requesting time on 3/26 agenda for a presentation on the preliminary design for the North Harrison Avenue Reconstruction Project. *Committee recommends that Communication No. 08-173 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 08-203**

Frank Walsh, An Ri’Ra’ Montana Irish Festival, requesting permission to close Park Street from Montana to Main 8, 9 and 10th for An Ri’Ra’ Festival. *Committee recommends that Communication No. 08-203 be held in abeyance.*

SECTION X**COMMUNICATION NO. 08-224**

Mary M. McMahon, Clerk and Recorder, requesting time on the 4/19/08 agenda to conduct a brief discussion regarding election judges. *Committee recommends that Communication No. 08-224 be placed on file.*

SECTION XI**COMMUNICATION NO. 08-233**

John C. VanDaveer, Public Works Director, requesting time on 4/16/08 agenda to conduct a bid opening for water distribution products. *Committee recommends that Communication No. 08-233 be placed on file.*

SECTION XII**COMMUNICATION NO. 08-234**

John C. VanDaveer, Public Works Director, requesting time on 4/16/08 agenda to conduct a bid opening for water distribution mains.
Note: Bid opening was conducted on 4/2/08. This bid opening was cancelled. *Committee recommends that Communication No. 08-234 be placed on file.*

SECTION XIII**COMMUNICATION NO. 08-239**

George Everett, Executive Director, requesting permission to close Main Street between Park and Broadway to hold Farmers' Market from 9AM to 1PM May 31 through September 27, 2008. *Committee recommends that Communication No. 08-239 be held in abeyance.*

SECTION XIV**COMMUNICATION NO. 08-243**

Karen Byrnes, Community Development Department, requesting council schedule a public hearing for 4/16/08 to receive comment on 2008 Community Development Block Grant Program Public Facilities Grant. *Committee recommends that Communication No. 08-243 be placed on file.*

SECTION XV**COMMUNICATION NO. 08-253**

Mary M. McMahon, Clerk and Recorder/Election Administration, requesting a public hearing requested for 4/16/08 be delayed until 4/30/08. *Committee recommends that Communication No. 08-253 be placed on file.*

SECTION XVI**COMMUNICATION NO. 08-260**

Kevin D. Curtis, Two Rivers GMB, IWW, requesting permission to set up a booth at the Miners #1 Union Hall Memorial during National Folk Festival, July 11-13th, 2008. *Committee recommends that Communication No. 08-260 be held in abeyance.*

SECTION XVII**COMMUNICATION NO. 08-262**

Ed Randall, Community Enrichment Coordinator, requesting time on the May 7, 2008 agenda to make a presentation of the Community Enrichment Program for years 2006-2008. *Committee recommends that Communication No. 08-262 be held for presentation 5/7/08.*

SECTION XVIII**COMMUNICATION NO. 08-268**

James M. Manning, Chairman Greenway Service District, requesting council schedule a bid opening on 5/7/8 agenda for bid opening for Silver Bow Creek Greenway Trail Construction. *Committee recommends that Communication No. 08-268 be held for bid opening 5/7/08*

SECTION XIX**COMMUNICATION NO. 08-271**

Robert M. McCarthy, County Attorney, requesting public hearing be set 4/30/08 to consider budget transfer to transfer monies from Metro Replacement and

Depreciation cash reserves to Archives Building Capital Project Fund. *Committee recommends that Communication No. 08-271 be placed on file.*

SECTION XX

COMMUNICATION NO. 08-269

Tim Clark, Personnel Director, requesting Fox Lawson Classification and Compensation Study be placed on 5/7/08 agenda to be read and acted upon

AND

COMMUNICATION NO. 08-273

Oversight Committee for Fox Lawson Classification Study, requesting Fox Lawson Study be placed on 5/7/08 agenda to be read and acted upon.
Note: this letter should have been attached to above Communication No. 08-269.

Committee recommends that Communication No. 08-269 and Communication No. 08-273 be held in abeyance.

SECTION XXI

COMMUNICATION NO. 08-274

Jon Sesso, Planning Director, requesting time on 4/16/08 agenda for a staff Presentation on draft plan for long-term future of the Natural Resource Damage Program. *Committee recommends that Communication No. 08-274 be held in abeyance.*

SECTION VI**COMMUNICATION NO. 08-259**

Jeff Miller, Director of Fire Services, requesting approval of line item budget transfers. *Committee recommends that Communication No. 08-259 be approved and placed on file.*

SECTION VI**EXPENDITURE APPROVAL**

Committee approves the expenditure report excluding Voucher #9376 of \$430.00 for further investigation into this expenditure.

**JUDICIARY COMMITTEE MEETING
APRIL 30, 2008**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-
SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

**NOTE: THERE ARE NO COMMUNICATIONS
THIS WEEK**

SECTION I

CLAIM APPROVAL

9316 Leroy Coles	\$200.00	Demo Bond Refund
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Committee recommends approval of above claim.

PUBLIC WORKS COMMITTEE MEETING
APRIL 30, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I

PETITION NO. 08-1

John Harrington, Building Official, requesting on behalf of Park Street Partnership, LCC, to close and vacate a portion of Galena Street and 3 alleys in Yellow Jack Lode, Lizzie Lode and Colorado Lode. ***Committee recommends that Petition No. 08-1 be held in abeyance. Public hearing held 4/30/08***

SECTION II

PETITION NO. 08-2

John Harrington, Building Official, requesting on behalf of CPLT to close and vacate the street known as Old Mercury Street. *Committee recommends that Petition No. 08-2 be held in abeyance.*

SECTION III

PETITION NO. 08-4

John Harrington, Building Official, requesting on behalf of Charles and Roxanna Bulen Sportsman Motel and RV to close and vacate a portion of 5th Street in Melrose. ***Committee recommends that a public hearing be scheduled and held in abeyance.***

SECTION IV

PETITION NO. 08-5

John Harrington, Building Official, requesting on behalf of Walker-Smith, LLC to close and vacate Wyoming Street in its entirety from Harrison to West Side of Washington – McQueeney Subdivision. ***Committee recommends that Petition No. 08-5 be held in abeyance. Public hearing held April 30, 2008***

SECTION V

COMMUNICATION NO. 08-95

Virginia Hanson, Risk Management Coordinator, requesting traffic study be conducted by MDOT on Continental Drive from East Lake to Four Mile Road. *Committee recommends that Communication No. 08-95 be held in abeyance.*

SECTION VI**COMMUNICATION NO. 08-133**

Rocko Mulcahy, Commissioner District 12, requesting an evaluation be conducted to determine needed road improvements throughout general areas of Browns Gulch. *Committee recommends that Communication No. 08-133 be held in abeyance.*

SECTION VII**COMMUNICATION NO. 08-134**

Rocko Mulcahy, Commissioner District 12, requesting referral to Public Works Committee to address concerns about the South Rocker Road. *Committee recommends that Communication No. 08-134 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. 08-135**

Rocko Mulcahy, Commissioner District 12, requesting referral to Public Works Committee to address concerns submitted by the Rocker Ladies Auxiliary. *Committee recommends that Communication No. 08-135 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 08-136**

Rocko Mulcahy, Commissioner District 12, requesting referral to Public Works Committee to evaluate Battle Ridge Road for needed maintenance and improvements. *Committee recommends that Communication No. 08-136 be held in abeyance.*

SECTION X**COMMUNICATION NO. 08-137**

Rocko Mulcahy, Commissioner District 12, requesting referral to Public Works Committee to address concerns about the South Rocker Road and Santa Clause Road. *Committee recommends that Communication No. 08-137 be held in abeyance.*

SECTION XI**COMMUNICATION NO. 08-147**

Wally Frasz, Commissioner District #6, requesting a traffic study be done where Rowe Road turns into Holmes Avenue and also the intersection of Lexington and Rowe Road. *Committee recommends that Communication No. 08-147 be held in abeyance.*

SECTION XII**COMMUNICATION NO. 08-194**

Eric C. Leber, requesting traffic control signs in Warren Heights and adjacent subdivisions. *Committee recommends that Communication No. 08-194 be held*

in abeyance. Public Works Department to make a traffic study and report to Public Works Committee.

SECTION XIII

COMMUNICATION NO. 08-250

Clara Hartz, requesting to name the road in front of her property “Hartz Meadows”. *Committee recommends that Communication No. 08-250 be held in abeyance. Forward request to the Planning Department for review and recommendation and return to Public Works Committee*

**PERSONNEL COMMITTEE MEETING
APRIL 30, 2008**

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We your Personnel Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 07-724**

Mark D. Driscoll, Undersheriff, requesting approval to allow additional 160 hours of sick leave for Barbara Gray. *Committee recommends that Communication No. 07-724 be placed on file.*

SECTION II **COMMUNICATION NO. 07-730**

Jeff Amerman, Finance and Budget Director, requesting time on the 12/20/06 agenda to make an informational report on payroll issues. ***Committee recommends that Communication No. 07-730 be held in abeyance. Awaiting report from counsel.***

SECTION III

COMMUNICATION NO. 07-107

William P. Joyce, Attorney at Law, requesting council take action to ensure that the benefits of 3 captains in the Sheriff's Department be maintained by passing a resolution. ***Committee recommends that Communication No. 07-107 be held in abeyance. Awaiting report from counsel.***

SECTION IV

COMMUNICATION NO. 08-236

John VanDaveer, Public Works Director, requesting approval for Chief Executive to grant an additional 160 hours of donated sick leave for Gary Swoboda. ***Committee recommends approval of request and requests Personnel Director to review policy for recommended changes and place on file.***

